



Signed: June 09, 2010

EDWARD D. JELLEN
U.S. Bankruptcy Judge

PATRICK L. FORTE, #80050
CORRINE BIELEJESKI, #244599
LAW OFFICES OF PATRICK L. FORTE
One Kaiser Plaza, #480
Oakland, CA 94612
Telephone: (510) 465-3328
Facsimile: (510) 763-8354
Attorneys for Debtor

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

Case No. 10-41863 EDJ

JENNIFER MARIE DURAN,

Chapter 13

Debtor.

ORDER VALUING LIEN OF EMC
MORTGAGE CORPORATION

On April 28, 2010, Jennifer Marie Duran (hereinafter Debtor) served a motion to value the lien of EMC Mortgage Corporation (hereinafter Lienholder) against the property commonly known as 1140 Capistrano Court, Fairfield, CA 94533, which lien was recorded in Solano County on or about January 19, 2007 as document 00007492 (hereinafter the Lien).

The court finds that notice of the motion upon Lienholder was proper. Lienholder having failed to file timely opposition to Debtor's motion, the court hereby orders as follows.

(1) For purposes of Debtor's chapter 13 plan only, the Lien is valued at zero, Lienholder does not have a secured second claim, and the Lien may not be enforced, pursuant to 11 U.S.C. §§ 506, 1322 (b)(2) and 1327.

1 (2) This order shall become part of Debtor's confirmed chapter 13
2 plan.

3 (3) Upon entry of a discharge in Debtor's chapter 13 case, the
4 Lien shall be voided for all purposes, and upon application by Debtor,
5 the court will enter an appropriate form of judgment voiding the Lien.

6 (4) If Debtor's chapter 13 case is dismissed or converted to one
7 under another chapter before Debtors obtain a discharge, this order
8 shall cease to be effective and the Lien shall be retained to the
9 extent recognized by applicable nonbankruptcy law, and upon
10 application by the Lienholder, the court will enter an appropriate
11 form of order restoring the Lien.

12 (5) Except as provided by separate, subsequent order of this
13 court, the Lien may not be enforced so long as this order remains in
14 effect.

15 *** END OF ORDER ***

COURT SERVICE LIST

Law Offices of Patrick L. Forte
One Kaiser Plaza, Suite 480
Oakland, CA 94612

Jennifer Marie Duran
1140 Capistrano Court
Fairfield, CA 94533

Attn: Officer
EMC Mortgage Corporation
2780 Lake Vista Dr.
Lewisville, TX 75067

Attn: Officer
EMC Mortgage Corporation
c/o C T Corporation System
818 West Seventh Street
Los Angeles, CA 90017

Attn: Officer
EMC Mortgage Corporation
c/o Casper J. Rankin
Pite Duncan, LLP
4375 Jutland Drive, Suite 200
San Diego, CA 92177-0933

Attn: Officer
EMC Mortgage Corporation
c/o Malcolm & Cisneros
2112 Business Center Dr., 2nd Fl
Irvine, CA 92612

REQUESTS FOR SPECIAL NOTICE

CitiBank, N.A.
c/o Angela M. Fontanini
Pite Duncan, LLP
4375 Jutland Drive, Suite 200
San Diego, CA 92177-0933

JP Morgan Chase Bank, N.A.
c/o Casper J. Rankin
Pite Duncan, LLP
4375 Jutland Drive, Suite 200
San Diego, CA 92177-0933